

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

WSOU INVESTMENTS, LLC D/B/A  
BRAZOS LICENSING AND DEVELOPMENT,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE COMPANY,

Defendant.

Nos. 6:20-cv-00725-ADA  
6:20-cv-00726-ADA  
6:20-cv-00727-ADA  
6:20-cv-00728-ADA

**JOINT CLAIM CONSTRUCTION STATEMENT**

Pursuant to the Scheduling Order, the Parties jointly submit this claim construction statement.

**I. U.S. Patent No. 7,280,534 (Case No. 6:20-cv-00725-ADA)**

<b>Term/Phrase</b>	<b>Brazos's Proposed Construction</b>	<b>HPE's Proposed Construction</b>
"associated IP service controller (IPSC)" (claims 1, 20)  "IP service controller (IPSC) associated with a CE" (claim 24)  [proposed by HPE]	plain and ordinary meaning	"one of at least two distinct mechanisms for exchanging routing information between at least two customer edge switches that is installed either on the switches themselves or at a remote server where it maintains a fixed association with a subset of customer edges"
"unique loop-back addresses of customer edges (CE)" (claims 1, 24)  "unique loop-back addresses of other customer edges (CE)" claim 20)  [proposed by HPE]	plain and ordinary meaning	"unique IP addresses over the OOB (out-of-band) control virtual circuit, where the OOB control virtual circuit defines paths by ATM (Asynchronous Transfer Mode), FR (Frame Relay) or other layer 2 connectivity type, and where the IPSC

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		stores the CE loop-back information in the routing databases (tables)"
"broadcasting from said associated IPSC, said IP addresses of said associated customer networks to other IPSCs" (claims 1, 20, 24) [proposed by HPE]	plain and ordinary meaning	"sending, by an IPSC, the IP addresses of said associated customer networks to other IPSCs over a layer 2 ( <i>i.e.</i> , Frame Relay or ATM) medium"

## II. U.S. Patent No. 7,386,630 (Case No. 6:20-cv-00726-ADA)

<b>Term/Phrase</b>	<b>Brazos's Proposed Construction</b>	<b>HPE's Proposed Construction</b>
"a customer policy comprising a tunneling mode and a tunnel group identifier" (claims 1, 12, 18) [proposed by HPE]	plain and ordinary meaning	"a policy of a network user that comprises a selected tunneling mode that defines the method of translating the Diffserv information in the MPLS headers into the DSCP value in the encapsulated IP header when packets exit the MPLS network, and comprises a named identifier of groups of network tunnels with similar properties that form a certain topology"
"corresponding to the tunnels" (claim 1) [proposed by HPE]	not indefinite, plain and ordinary meaning	indefinite
"policy targets" (claims 12, 18) [proposed by HPE]	not indefinite, "network nodes where the mapping policy, the network policy, and/or the customer policy, including any specific routing assignments dictated by such policies, are enforced"	indefinite

**III. U.S. Patent No. 7,443,832 (Case No. 6:20-cv-00727-ADA)**

<b>Term/Phrase</b>	<b>Brazos's Proposed Construction</b>	<b>HPE's Proposed Construction</b>
<p>“interest value” (claim 1) [proposed by HPE]</p>	<p>“a number that quantifies the performance difference between a possible path and the ideal solution”</p>	
<p>“information data representative of at least two chosen criteria” (claim 1) [proposed by HPE]</p>	<p>“information data representative of at least two numeric values that identify resource characteristics and available connections between nodes”</p>	
<p>“a processing means for:</p> <ul style="list-style-type: none"> <li>a) receiving a path set-up request containing a set of service data associated with a stream to be switched, and for determining in said table at least two criteria stored in corresponding relationship to said set of service data associated with the stream,</li> <li>b) ensuring the connectivity of said multiplicity of label switched routers, on the basis of information data stored in said descriptive structure,</li> <li>c) calculating from among said label switch routers possible paths between a departure node and a destination node taking account of at least one of said two criteria that have been determined and then deducing an ideal solution from performances of said possible paths on at least one of said criteria,</li> </ul>	<p>not subject to 35 U.S.C. § 112, ¶ 6, not indefinite, plain and ordinary meaning</p>	<p>Means plus function. The function is:</p> <ul style="list-style-type: none"> <li>“a) receiving a path set-up request containing a set of service data associated with a stream to be switched, and for determining in said table at least two criteria stored in corresponding relationship to said set of service data associated with the stream,</li> <li>b) ensuring the connectivity of said multiplicity of label switched routers, on the basis of information data stored in said descriptive structure,</li> <li>c) calculating from among said label switch routers possible paths between a departure node and a destination node taking account of at least one of said two criteria that have been determined and then deducing an ideal solution from performances of said</li> </ul>

Term/Phrase	Brazos's Proposed Construction	HPE's Proposed Construction
<p>d) assigning each possible path an interest value taking account of said ideal solution and then classifying said possible paths taking account their respective interest values, and</p> <p>e) selecting a path from among said classified possible paths and then associating with said stream to be switched a label representative of said selected path so that said labeled stream is switched via said path to the destination node.” (claim 1)</p> <p>[proposed by HPE]</p>		<p>possible paths on at least one of said criteria,</p> <p>d) assigning each possible path an interest value taking account of said ideal solution and then classifying said possible paths taking account their respective interest values, and</p> <p>e) selecting a path from among said classified possible paths and then associating with said stream to be switched a label representative of said selected path so that said labeled stream is switched via said path to the destination node.”</p> <p>The term is indefinite for insufficient disclosure of structure corresponding to the function.</p> <p>Alternatively, the corresponding structure is 2:42–4:8 and 5:48–10:7 of the specification.</p>
<p>“deducing an ideal solution from performances of said possible paths on at least one of said criteria” (claim 1)</p> <p>[proposed by HPE]</p>	<p>plain and ordinary meaning</p>	<p>“observing the performance of all paths based on at least one of said criteria, and determining that one path of the possible paths is ideal based on said criteria”</p> <p>Alternative compromise proposal:</p> <p>“deducing an ideal solution from observed performances of all possible paths based on at least one of said criteria”</p>

**IV. U.S. Patent No. 7,519,056 (Case No. 6:20-cv-00728-ADA)**

<b>Term/Phrase</b>	<b>Brazos's Proposed Construction</b>	<b>HPE's Proposed Construction</b>
“VC label in a layer 2 MPLS label stack” (claims 1, 18, 21) [proposed by HPE]	“the bottom label in a layer 2 MPLS label stack consisting of a top tunnel label and a bottom virtual circuit label, which is used by an egress label edge router to process the packet”	
“dynamically determined” (claims 1, 18, 21) [proposed by HPE]	not indefinite plain and ordinary meaning	indefinite

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Respectfully submitted,

By: /s/ Raymond W. Mort, III  
Raymond W. Mort, III  
Texas State Bar No. 00791308  
raymort@austinlaw.com  
THE MORT LAW FIRM, PLLC  
100 Congress Avenue, Suite 2000  
Austin, Texas 78701  
tel/fax: (512) 677-6825

Alessandra C. Messing  
New York State Bar No. 5040019  
amessing@brownrudnick.com  
Timothy J. Rousseau  
New York State Bar No. 4698742  
trousseau@brownrudnick.com  
Yarelyn Mena  
(*pro hac vice*)  
ymena@brownrudnick.com  
BROWN RUDNICK LLP  
7 Times Square  
New York, New York 10036  
telephone: (212) 209-4800  
facsimile: (212) 209-4801

Edward J. Naughton  
Massachusetts State Bar No. 600059  
enaughton@brownrudnick.com  
Rebecca MacDowell Lecaroz  
(*pro hac vice*)  
rlecaroz@brownrudnick.com  
BROWN RUDNICK LLP  
One Financial Center  
Boston, Massachusetts 02111  
telephone: (617) 856-8200  
facsimile: (617) 856-8201

David M. Stein  
Texas State Bar No. 797494  
dstein@brownrudnick.com  
Sarah G. Hartman  
California State Bar No. 281751  
shartman@brownrudnick.com  
BROWN RUDNICK LLP  
2211 Michelson Drive, 7<sup>th</sup> Floor  
Irvine, California 92612

By: /s/ Michael D. Hatcher  
Michael D. Hatcher  
Texas State Bar No. 24027067  
Callie C. Butcher  
Texas State Bar No. 24092203  
SIDLEY AUSTIN LLP  
2021 McKinney Avenue, Suite 2000  
Dallas, TX 75201  
Telephone: (214) 981-3300  
Facsimile: (214) 981-3400  
mhatcher@sidley.com  
cbutcher@sidley.com

Michael R. Franzinger  
DC Bar No. 500080  
SIDLEY AUSTIN LLP  
1501 K Street, NW  
Washington, DC 20005  
Telephone: (202) 736-8000  
Facsimile: (202) 736-8711  
mfranzinger@sidley.com

Barry K. Shelton  
Texas State Bar No. 24055029  
SHELTON COBURN LLP  
311 RR 620, Suite 205  
Austin, TX 78734-4775  
Telephone: (512) 263-2165  
Facsimile: (512) 263-2166  
bshelton@sheltoncoburn.com

**COUNSEL FOR DEFENDANT  
HEWLETT PACKARD ENTERPRISE  
COMPANY**

telephone: (949) 752-7100

facsimile: (949) 252-1514

*Counsel for Plaintiff*

*WSOU Investments, LLC d/b/a*

*Brazos Licensing and Development*